

WILMERHALE

By Facsimile and ECF

Michael J. Bayer

July 10, 2014

+1 617 526 6303 (t)
+1 617 526 5000 (f)
michael.bayer@wilmerhale.com

Hon. Alvin K. Hellerstein
Room 1050
United States Courthouse
Southern District of NY
500 Pearl Street
New York, NY 10007

Re: Intercept Pharmaceuticals, Inc. v. Chris Howard, No. 14-civ-1480 (AKH)

Dear Judge Hellerstein:

I write on behalf of the parties, pursuant to Individual Rule 1.D, to request an adjournment of the Rule 16 scheduling conference that is currently scheduled in the above-referenced matter for July 25, 2014 at 10:00 a.m. This is the parties' first request for an adjournment of the initial Rule 16 conference.

On June 2, 2014 Plaintiff Intercept Pharmaceuticals, Inc. filed a Motion for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c) (Dkt. 20) (the "Motion"). The Defendant and Cross-Complainant, Chris Howard, filed and served his Opposition papers on June 18, 2014 (Dkt. 22), and Intercept filed and served its Reply on June 30, 2014 (Dkt. 23). Intercept's dispositive motion now is fully briefed and ripe for decision.

After conferring pursuant to Fed. R. Civ. P. 26(f), the parties believe that any discussion of the case schedule should occur, if at all, after the Court has ruled on Intercept's pending Motion. The parties therefore ask that the Court rule on the Motion at its earliest convenience, and adjourn the Rule 16 scheduling conference until after it has done so. The parties would be available to appear with their case management plan, upon 14 days' notice, at any Rule 16 conference that the Court deems necessary after ruling on the pending Motion.

Sincerely,

/s/ Michael J. Bayer

Michael J. Bayer

MJB:mlm

cc: Counsel of record (by email)

Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109

Beijing Berlin Boston Brussels Denver Frankfurt London Los Angeles New York Oxford Palo Alto Waltham Washington